

FILED

APR 30 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

PATRICIA KEANE
Clerk, U.S. District Court

Deputy Clerk

BRANDON LEE BROWN #592090

Plaintiff's full name (Please print)

v.

Case No. CIV 20-124-RAW

(To be filled out by Clerk's
Office only)

JAMES YATES, KEVIN BROWN, TERRY UNDERWOOD, ANTWONE BERRY, MRS.
Defendant(s)' full name (Please print)

BAILEY, MR. KEVES, MARK MOWERS, MARK GANTER, MR. PEREZ, MS.

PATTERSON, MR. LYNCH, ~~MR. WALKER~~, MR. GEORGIA, MR. SC. LOBERT,

MARK KAUTRON, JOE ALBAUGH, GLORIA GOODWIN, MS. VANCE, MR. RIDDLE

PHILIP SHINEY, MS. DODDMAN, KEVIN DAVIS, MICHAEL DUPUIS, ANDREW

For additional names please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV, pursuant to Fed. R. Civ. P. 10(a).

NOTICE

Federal Rule of Civil Procedure 5.2 and Local Civil Rule 5.3 address the privacy and security concerns resulting from public access to electronic court files. Under these rules, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Each claim you raise must be properly exhausted. If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. 1997e(a).

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I. JURISDICTION

Indicate below the federal legal basis for your claim, if known.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☒ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

BRANDON LEE BROWN

Full name

Aliases

592090

Prisoner ID #

DAVIS CORRECTIONAL FACILITY

Place of Detention/Incarnation

6688 EAST 133RD ROAD

Institutional Address

HOLDENVILLE, OKLAHOMA

City

74848

State

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S)' INFORMATION

List the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained on the first page. Attach additional sheets of paper as necessary. Do not write on the backs of any additional sheets. See Local Civil Rule 5.2(a).

Defendant 1: JAMES YATES
 Full Name
WARDEN
 Current Job Title
16888 EAST 133RD ROAD
 Current Work Address
HOLDENVILLE, OKLAHOMA 74848
 City State Zip Code

Defendant 2: TERRY UNDERWOOD
 Full Name
REVIEW AUTHORITY
 Current Job Title
16888 EAST 133RD ROAD
 Current Work Address
HOLDENVILLE, OKLAHOMA 74848
 City State Zip Code

Defendant 3:

ANTHONY BERRY

Full Name

CAPTAIN

Current Job Title

16888 EAST 133RD ROAD

Current Work Address

HOLDENVILLE, OKLAHOMA 74848

City

State

Zip Code

Defendant 4:

MARK MONERS

Full Name

ASSISTANT SHIFT SUPERVISOR

Current Job Title

16888 EAST 133RD ROAD

Current Work Address

HOLDENVILLE, OKLAHOMA 74848

City

State

Zip Code

Defendant 5:

MARK KNUTSON

Full Name

DIRECTOR DESIGNATE

Current Job Title

P.O. BOX # 11400

Current Work Address

OKLAHOMA CITY, OKLAHOMA

City

State

74848

Zip Code

Defendant 3: MR. IVEES
Full Name
DETENTION HERALD OFFICER
Current Job Title
6888 E 133RD ROAD
Current Work Address
HOLDENVILLE, OKLAHOMA 74648
City State Zip Code

Defendant 4: MS. VANCE
Full Name
CORRECTIONAL OFF / LAW LIBRARY ASSISTANT
Current Job Title
6888 E 133RD ROAD
Current Work Address
HOLDENVILLE, OKLAHOMA 74648
City State Zip Code

Defendant 5: CAPT. LVSINGER
Full Name
CAPTAIN
Current Job Title
6888 E 133RD ROAD
Current Work Address
HOLDENVILLE, OKLAHOMA 74648
City State Zip Code

ADDITIONAL DEFENDANTS

Defendant KEVIN BROWN is a citizen of
MOOREVILLE, OKLAHOMA and is employed
(City, State)
as CHIEF OF SECURITY
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

HE WAS IN POSITION TO STOP STAFF FROM STRIPPING ME NAKED WITHOUT ME KNOWING ANYONE'S 'SEXUAL PREFERENCE' AND IN HUMANE CONDITIONS, EXTORTION 7-25-19

Defendant MARK GENTRY is a citizen of
MOOREVILLE, OKLAHOMA and is employed
(City, State)
as ASSISTANT WARDEN
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☐ yes ☐ no. If your answer is "YES", briefly explain:

HE WAS THE ONE WHO ORDERED A FALSE ARREST ON 2-13-20 FORCED TO STOP UNNECESSARY FORCE ON 11-22-19 AND RETALIATED FOR ME FILING COMPLAINTS ON 7-25-19

Defendant ANASTASIO PEREZ is a citizen of
MOOREVILLE, OKLAHOMA and is employed
(City, State)
as DEPUTY WARDEN
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☐ yes ☐ no. If your answer is "YES", briefly explain:

HE WAS THE ONE WHO NEVER STOOD UP MAKING HIM "NEUTRAL" AND "COMPLIANT" IN ACTS THAT OCCURRED 7-25-19, 2-13-20, 11-22-19 "RETALIATION"

ADDITIONAL DEFENDANTS

Defendant JOE ALBANESE is a citizen of
OKLAHOMA CITY, OKLAHOMA and is employed
(City, State)
as DIRECTOR COMMISSIONER
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

HE HELP PUT IN PLACE POLICY THAT DENIES A INDIGENT INMATE DUE PRO-
CESS. INMATE "BIRYANCE RESTRICTION" AND "MAIL BOX RULE OF APPEAL" FROM A TIME."

Defendant GLORIA GOODWIN is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as REGISTERED NURSE
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

SHE SWORE UPON OATH TO HELP THE SICK, INJURED AND DYING. SHE DID NOT UPHOLD
THAT OATH AND AS A RESULT MY "MEDICAL CONDITION" BECAME WORSE. 8-16-19

Defendant KEVIN DAVIS is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as CASE COUNSELOR
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

HE SUITED UP IN TACTICAL GEAR AND EITHER PROTEGATED IN BRUTALLY
BEATEN ME TO I WAS UNCONCIOUS OR WAS "NEGLIGENT" TO STOP "RETALIATION."

ADDITIONAL DEFENDANTS

Defendant MICHAEL DUMPRIS is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as CORRECTIONAL OFFICER
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☐ yes ☒ no. If your answer is "YES", briefly explain:

HE SUITED UP IN TACTICAL GEAR AND EITHER PARTICIPATED IN BRUTALLY BEAT-
EN ME TO I WAS UNCONCIOUS OR WAS "NEGLECT" TO STOP "RETRALIATION". 2-13-20

Defendant ANDREW SMITH is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as CORRECTIONAL OFFICER
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

HE SUITED UP IN TACTICAL GEAR AND EITHER PARTICIPATED IN BRUTALLY BEATEN
ME TO I WAS UNCONCIOUS OR WAS "NEGLECT" TO STOP "RETRALIATION"

Defendant RHONDA SHIVLEY is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as REGISTERED NURSE
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

SHE SWORE UPON OATH TO HELP THE SICK, INSURED AND SUFFERING DYING. 2-13-20
SHE DID NOT UPHOLD THAT OATH AS A RESULT MY MEDICAL CONDITION "BECAME WORSE."

ADDITIONAL DEFENDANTS

Defendant MR. LUTTHAN is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as SHIFT SUPERVISOR
(Position and title, if any)

At the time the ~~claim~~(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

SUITED UP IN TACTICAL GEAR AND WAS COMPULSIVE IN A BOUT WITH EXCESSIVE FORCE 2-13-20
OR NEGLIGENT TO REPORT OR STOP UNNECESSARY FORCE, RACIAL BIAS

Defendant ANDREW SMITH is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as CORRECTIONAL OFFICER
(Position and title, if any)

At the time the ~~claim~~(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

SUITED UP IN TACTICAL GEAR AND WAS COMPULSIVE IN BOUT WITH EXCESSIVE FORCE
2-13-20 OR NEGLIGENT TO REPORT OR STOP UNNECESSARY FORCE, RETALIATION

Defendant MRS. BAILEY is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as TRUST FUND OFFICER
(Position and title, if any)

At the time the ~~claim~~(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

OVERDRAFT MY ACCOUNT ON A FEW ~~MINUTE~~ REACTION AND MADE MASS DEADLINES
AFTER RECEIVING ORDER FROM ADMINISTRATION NO COMPLAINT "CAPABLE OF HARMONY"

ADDITIONAL DEFENDANTS

Defendant M.S. COLEMAN is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as UNIT MANAGER CHIEF
(Position and title, if any)
At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

NEGLIGENT, IN REPORTING INSUBORDINATION ON JOB AND RESPONSIBLE LACK OF ISSUES
COMPLICATE, IN ILLEGAL ACTS OF "ABUSE OF PROCEDURE."

Defendant J.C. COLEBET is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as CONTRACT MONITOR
(Position and title, if any)
At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

NEGLIGENT, IN REPORTING INSUBORDINATION AND LACK IN JOB POSITION TO SEEK ANY
COMMON GROUND BEFORE ESCALATION. COMPLICATE IN ILLEGAL ACTS OF "ABUSE OF PROCEDURE."

Defendant MARK MUMFERS is a citizen of
HOLDENVILLE, OKLAHOMA and is employed
(City, State)
as ASSISTANT SHIFT SUPERVISOR
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? ☒ yes ☐ no. If your answer is "YES", briefly explain:

"NEGLIGENT," "INSUBORDINATE" FALSIFIED WRITE-UP FIRST ALLEGED POSSESSION OF ILLEGAL
DRUGS THE TRYING TO SCRATCH OUT "ALLEGED" RESISTING APPREHENSION, AFTER I WAS STOPPED?

V. STATEMENT OF CLAIMS

A. Claim 1

Date(s) of occurrence: 7-25-19 - 7-30-19

Place(s) of occurrence: DAVIS CORRECTIONAL FACILITY (INTAKE) MEDICAL

State which of your federal constitutional or federal statutory rights have been violated:

4TH AMENDMENT 5TH, 6TH, AND 14TH AMENDMENT ARTICLES "INSUBORDINATION"

Briefly state the FACTS that support your case. Provide a short and plain statement of how each named defendant was personally involved in the violation of your constitutional rights and why you are entitled to relief from each named defendant. See Fed. R. Civ. P. 8(a). Do not cite case law.

FACTS: I WAS STRIPPED NAKED IN FRONT OF MEN IN A HUMILIATING MANNER AFTER I SAID NO TO UNDERWEAR. I DID NOT KNOW ANYONE'S (SEXUAL PREFERENCE) AND BELIEVE A FEMALE WAS THERE. ALLOT OF TODAY TECHNOLOGY X-RAYS, METAL DETECTORS, POLES, CHAIRS, DOGS AT THE DISPOSAL OF THE FACILITY NEVER USED. FORCED TO GIVE MY BLOOD, LIVE DNA GROWND WITH NO BEDDING, SOAP, TOILET PAPER, SHOWER SHOES, AND FORCED TO EAT WITH UNCLEAN HANDS.

B. Claim 2

Date(s) of occurrence: 8-16-19 2-13-20

Place(s) of occurrence: DAVIS CORRECTIONAL FACILITY "FOX-CHARLES #211" INTAKE "MEDICAL" "FOX-CHARLES #110"

State which of your federal constitutional or federal statutory rights have been violated:

8TH, 14TH, 5TH AND 14TH AMENDMENT ARTICLES "INSUBORDINATION" RETALIATION

FACTS: I WAS DENIED MEDICAL TREATMENT AND MADE MY CONDITION BECOME WORSE. RECENTLY BEING TOLD I HAD A JOCK-ITCH AFTER BEING DIAGNOSED WITH A TUMORUS. BLURRY VISION / ON 2-13-20 I WAS BLEED FROM A INCISION ABOVE MY LEFT EYE AND INSIDE OF MY MOUTH AND OUTSIDE SCARS STILL VISIBLE. THE NURSE CHECKED MY BLOOD PRESSURE AND ADMINISTERED NO AND AND DAYS LATER PILES AND BLOOD CLOTS WERE IN MY RECTUM (WAS SHITTING)

C. Claim 3Date(s) of occurrence: 10-2-19 / 11-22-19 / 2-25-19Place(s) of occurrence: DAVIS CORRECTIONAL FACILITY FOX-DELTA #105 FOX-CHARLIE #118

State which of your federal constitutional or federal statutory rights have been violated:

4TH, 5TH, 6TH, 8TH, AND 14TH AMENDMENT (ARTICLES "HUMAN RIGHTS") "RETALIATION"**FACTS:**

ON 11-22-19 I WAS ^{DEPRIVED} ~~DUE~~ PROCESS, SPRAYED WITH OC FOR 2 WITHOUT CAMERA, MEDICAL, REASON, I ALLEGED RETALIATION; I WAS PLACED ON "CELL RESTRICTION" DURING MAIL PASS WAS ^{DEPRIVED MAIL} ~~WAS~~ TOLD THEY DID NOT EXIST ^{ON USE OF FORCE} ~~JUSTIFIED~~ GROUNDS AND THE WARDEN LENTENY SAID NO EXPLANATION / UNWARRANTED. I WROTE UNLAWFUL TO REQUEST OPS; I WAS TRYING TO FIGHT WRITE UP AND INCLUDE ISSUES CAUSE ME TO MISS DEMANDS. I REMOVED FROM ACCOUNT EXCESSIVELY TO BE PUT BACK BECAUSE OF URINE.

D. Claim 4Date(s) of occurrence: 2-13-19 7-30-19Place(s) of occurrence: DAVIS CORRECTIONAL FACILITY "INTAKE" FOX-CHARLIE #110 "MEDICAL"

State which of your federal constitutional or federal statutory rights have been violated:

(7-28-19 - 7-30-19) (7-28-19 - 4-6-20) 4TH, 5TH, 8TH, "EXCESSIVE FORCE" 14TH AMENDMENT...**FACTS:**

ON 2-13-19 I WAS BRUTALLY BEATEN UNTIL I WAS UNCONCIOUS AND UNRECOGNIZABLE. I HAVE BEEN DENIED ACCESS TO WRITING MATERIAL: DENYING ME ALLOWABLES FOR (2) MONTHS PATTERN / RETALIATION PERIODS ~~HYGIENE~~ AND WRITING MATERIAL: FORGOT TO GIVE MY BLOOD?: FORGOT DOCUMENTS DENY ME MY DUE PROCESS RIGHT. WHO, WHAT, WHEN, WHERE, AND HOW. I BELIEVE THAT ALL FACTS OR "CAMPAIGN OF HARASSMENT" (ALLEGED) ALL DEFENDANTS ARE COMPLICIT IN CONSPIRING TO

ME TO HARASS, ASSAULT & BATTERY, RETALIATE, SEXUAL EXPLOIT, FALSE ARREST, INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS. RACIAL BIAS DUE TO BLACK HISTORY MONTH

VI. RELIEF REQUESTED

Briefly state what you want the Court to do for you. Do not make legal arguments or cite cases or statutes.

"COMPENSATORY DAMAGES" GRANT ME \$400,000 FOR PAIN AND SUFFERING, \$200,000 FOR MEDICAL SERVICES PROVIDED, \$20,000 FOR NOT ALLOWING ME TO PURSUE MY EDUCATION CONTINUOUSLY. "PUNITIVE DAMAGES" GRANT ME 240,000 FOR EVIL MOTIVES AND INTENT, \$220,000 FOR DISCOURAGEMENT OF ILLEGAL ACTS IN THE FUTURE, \$100,000 FOR "RETALIATION", \$100,000 FOR "CAMPAIGN OF HARASSMENT", COURT COSTS, FINES AND FEES, ANY LEGAL AID \$, PENAL FEES \$ AND WHATEVER CONVENIENT FOR THE COURT. NO LESS THAN \$500,000

VII. PRISONER'S LITIGATION HISTORY

The "Three Strikes Rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if the prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

Have you brought any other lawsuits in federal court while a prisoner?

☐ Yes

☒ No

If yes, how many? N/A

Number each different lawsuit below and include the following:

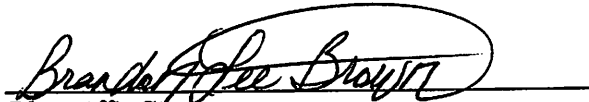
- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)
- Did the court assess a "Strike" or find the dismissal a "Prior Occasion" pursuant to 28 U.S.C. 1915 (g).

N/A

VIII. PLAINTIFF'S DECLARATIONS:

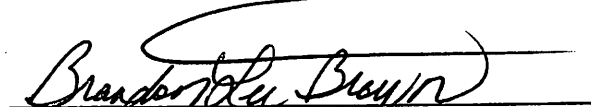
I declare under penalty of perjury that the foregoing is true and correct. To the best of my knowledge, information, and belief, this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11 of the Federal Rules of Civil Procedure.

I agree to provide the Court Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Court Clerk's Office may result in the dismissal of my case.


Plaintiff's Signature

April 9, 2020
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 6TH day of APRIL, 2020.


Plaintiff's Signature

April 9, 2020
Date